



Respectfully submitted,

J. KENNETH KEARNEY USA LTD.

By its attorneys,

/s/ Kristin M. Cataldo

William A. Zucker, BBO # 541240

[wzucker@ghlaw.com](mailto:wzucker@ghlaw.com)

Kristin M. Cataldo, BBO # 654033

[kcataldo@ghlaw.com](mailto:kcataldo@ghlaw.com)

Gadsby Hannah LLP

225 Franklin Street

Boston, MA 02110

(617) 345-7000

ASSENTED-TO:

DAVID SMITH

By his attorneys,

/s/ Windy L. Rosebush (w/ permission)

Timothy P. Van Dyck

[tvandyck@EdwardsAngell.com](mailto:tvandyck@EdwardsAngell.com)

Windy L. Rosebush

[wrosebush@EdwardsAngell.com](mailto:wrosebush@EdwardsAngell.com)

Edwards & Angell, LLP

101 Federal Street

Boston, MA 02110

(617) 439-4444

February 2, 2005

**Certificate of Service**

I hereby certify that on February 2, 2005 I served a true and accurate copy of Assented-To Motion To Extend Plaintiff's Time To Respond To Defendant's Motion To Stay Litigation on all counsel of record electronically.

Dated: February 2, 2005

/s/ Kristin M. Cataldo  
Kristin M. Cataldo